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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,315	05/31/2001	Albert Santelli JR.	Fram Trak-8	1210

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EXAMINER

MAYO III, WILLIAM H

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,315

Applicant(s)

SANTELLI, ALBERT

Examiner

William H. Mayo III

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 8, 2003 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Booty, Sr et al (Pat Num 4,875,871, herein referred to as Booty). Booty discloses a wire and cable enclosure system (Figs 1-17) having connectors (36) for connecting elongated enclosures of wires and cable enclosure systems (Cols 1-2, lines 60-68 and 1-5 respectively). Specifically, with respect to claim 1, Booty discloses a connector (36, Fig 1) comprising a manually channel-like bendable pleated body (222c as shown in Fig 11) having first and second ends (222a & 222b), a first coupling member (226) that

extends from the first end of the body (left end) and attaches an elongated enclosure (230 as shown in Fig 12) to the connector (220 as shown in Fig 12) and a second coupling member (see Fig 1 36 that shows two identical ends) that extends from a second end of the body (right end) and attaches another elongated enclosure to the connector (22 as shown in Fig 1), wherein the pleated body (not numbered in Fig 1) allows the connector (36) to be manually bent from side to side and/or front to back and the be manually lengthened or shortened to provide a desired configuration (Col 4, lines 28-35). With respect to claim 2, Booty discloses that the body and the coupling members (not numbered in Fig 1) form a unitary molded connector (Col 12, lines 60-65). With respect to claim 3, Booty discloses that the body and coupling members (not numbered in Fig 1) are formed of plastic (Col 12, lines 60-65). With respect to claim 13, Booty discloses a enclosure system (Fig 1) comprising a connector (36) that has a manually bendable pleated body (not numbered in Fig 1) having first and second ends (left and right ends), a first coupling member (at right end) that extends from the first end of the body (center of 36) and attaches an elongated enclosure (22) to the connector (36) and a second coupling member (attached at left end) that extends from a second end of the body (not numbered) and attaches another elongated enclosure (22) to the connector (36, Col 4, lines 28-35), wherein the pleated body (center of 36) is capable of having the connector (36) be manually bent from side to side and/or front to back and the be manually lengthened or shortened to provide a desired configuration (i.e. pleated body, Col 4, lines 28-35). With respect to claim 14, Booty discloses that the body and the coupling members (not numbered in Fig 1) form a unitary molded

connector (Col 12, lines 60-65). With respect to claim 15, Booty discloses that the body and coupling members (not numbered in Fig 1) are formed of plastic (Col 12, lines 60-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-12, 16-21, and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Booty (Pat Num 4,875,871) in view of Valente et al (Pat Num 5,789,064). Booty discloses a connector being formed of a plastic composition, as described above with reference to claims 3 & 15. With respect to claim 10, Booty discloses that the connector (36) has a surface (i.e. pleated), which is an outside surface (see outside of 36). With respect to claim 11, Booty discloses that the connector (36) has a surface (i.e. pleated). With respect to claim 12, Booty discloses that the connector (36) has a surface (i.e. pleated) which is an inside surface (see inside of 36). With respect to claim 22, Booty discloses that the connector (36) has a surface (i.e. pleated). With respect to claim 23, Booty discloses that the connector (36) has a surface (i.e. pleated), which is an outside surface (see outside of 36). With respect to

claim 24, Booty discloses that the connector (36) has a surface (i.e. pleated) which is an inside surface (see inside of 36).

However, Booty doesn't necessarily disclose the plastic composition including a component with electromagnetic absorbing properties (claims 4 & 16), nor the component being ferrite particles (claims 5 & 17), nor the plastic composition including a second component with electromagnetic reflecting properties (claims 6 & 18), nor the second component comprising metal particles (claims 7 & 19), nor the plastic composition including a component with electromagnetic reflecting properties (claims 8 & 20), nor the component comprising metallic particles (claims 9 & 21), nor the body and coupling members having a textured surface (claims 10 & 23), nor the textured surface being the exterior surface (claims 11 & 24), nor the textured surface being the interior surface (claim 12), nor the connector having a textured surface (claim 22), nor the body and coupling members being made of a plastic composition that provides electromagnetic shielding (claim 25), nor the connector being made of a plastic composition that provides electromagnetic shielding (claim 26).

Valente teaches a plastic composition that has electromagnetic radiation absorbing materials that are commonly used in manufacturing of electromagnetic shielding structures (i.e. cable covers), wherein the interior and exterior surface of the composition material is textured (Figs 1-4). Specifically, with respect to claims 4-5 & 16-17, Valente teaches that the plastic composition may include a component with electromagnetic absorbing properties, such as ferrite particles (Cols 3 & 4, lines 57-67 & 1-3). With respect to claims 6-7 & 18-19, Valente teaches that the plastic composition

may include a second component with electromagnetic reflecting properties, such as metal particles (i.e. copper, Col 3, lines 15-21). With respect to claim 8-12 & 20-24, Valente teaches that the plastic composition of a device required electromagnetic radiation may include a component with electromagnetic reflecting properties, such as metallic particles (i.e. copper, Col 3, lines 15-21).

With respect to claims 3-12 & 16-26, it would have been obvious to one having ordinary skill in the art of plastic compositions at the time the invention was made to modify the plastic composition of the connector and coupling members of Booty to comprise the plastic composition configuration as taught by Valente because Valente teaches that such a configuration are commonly used in manufacturing of electromagnetic shielding structures (i.e. cable covers), and since it is well known to one of ordinary skill in the art of cable enclosures to provide a means of absorbing electromagnetic radiation from internal conductors with the enclosures and to also prevent exterior electromagnetic radiation produced by external electrical devices from interfering with the electrical properties of the internal conductors and also since it has been held to be within general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Response to Arguments

6. Applicant's arguments filed December 8, 2003 have been fully considered but they are not persuasive. Specifically, the applicant argues the following:

- A) Booty doesn't disclose the connector having channel like pleated body because the connector has a closed corrugated section.
- B) Booty doesn't explicitly describe that the connector can be manually lengthened or manually shorten as claimed.
- C) Booty doesn't disclose the exterior or the interior surface being textured surfaces.
- D) There is no motivation for making the plastic composition of Booty from the plastic composition of Valente and therefore the examiner has engaged in impermissible hindsight.

With respect to argument A, the examiner respectfully traverses. Firstly, it must be noted that the independent claims 1 & 13, state "the connector comprising a manually bendable channel-like pleated body"... The examiner respectfully submits that the pleated body (i.e. the section of the connector that makes up the pleated body would be the section between the two coupling members) is a channel like body as the electrical conductors are routed through the provided channel. Specifically, as shown in Figs 11 & 12, clearly the pleated body section of the connector provides a channel (i.e. passage) for the routing of the electrical wires and therefore is a channel like pleated body. The claim doesn't specify that the connector, as a whole is channel like, or that the coupling members are channel like and therefore Booty clearly meets the claimed language. While the examiner agrees that Booty discloses having coupling members on each end of the channel like pleated body, clearly the pleated section of the

connector is channel like. Therefore the examiner respectfully submits that the rejection under 35 USC 102(b) is proper and just.

With respect to argument B, the examiner respectfully traverses. While the Booty reference is silent with respect to the pleated section being manually lengthened or manually shorten, however, the applicant has stated in his/her specification, that the pleated area is responsible for providing the connector with these particular characteristics. Specifically, the applicant states on Page 4, paragraph 20, lines 5-6,

"The pleated body 12 allows the connector 10 to be manually bent from side to side, front to back, and manually lengthened or shorten"

Booty, while being silent with to respect to the pleated section being manually lengthened or shorten, clearly teaches that the pleated section of the connector is responsible for providing the 90 degree corner bends or other angular bends (see Col 4, lines 22-35). It is respectfully submitted that the Booty teaches a pleated section which may be bent from side to side and front to back and therefore the pleated body of Booty is also capable of being manually lengthened or shorten, just as the pleated section of the applicant's connector can perform this function, since the applicant's pleated section and Booty's pleated section are structurally the same. Therefore, it is also respectfully submitted that clearly Booty inherently discloses the claim limitations of being manually lengthened and shortened, as all pleated body structures do, such as a pleated drinking straw. In light of the above, the examiner respectfully submits, that the rejection is proper and just.

With respect to argument C, the examiner respectfully submits that this argument is moot in view of the new rejection above.

With respect to argument D, the examiner respectfully traverses. The examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). The examiner also recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is known that wires and cables are commonly routed through interior panels and walls while being enclosed in protective enclosures. It is also known that the cable and wires are routed in these particular enclosures to manage, mechanically protect, and provide electromagnetic shielding protection to the wires and cables. It is also known that the protective enclosures utilized to provide the interior electrical wires and cable the above stated protection, are commonly made of molded or extruded plastic materials. All of the above stated comments, are also verified by the applicant's own admission under

the section entitled Background of the Invention (see paragraphs 2 & 3 under the previous stated heading). Booty clearly teaches a wire and cable enclosure system (Figs 1-17) having connectors (36) for connecting elongated enclosures of wires and cable enclosure systems (Cols 1-2, lines 60-68 and 1-5 respectively), which are formed of plastic (Col 12, lines 60-65). While Booty is silent to the enclosure system providing shielding from electromagnetic radiation, it is well known in the art of cable enclosures as detailed above and supported by applicant's specification. Valente clearly teaches a plastic composition that has electromagnetic radiation absorbing materials that are commonly used in manufacturing of electromagnetic shielding structures, such as a cable enclosure (Col 1, lines 15-20). In light of the above comments, there does exist a motivation to combine the two teaching of Booty and Valente and therefore it would have been obvious to one having ordinary skill in the art of plastic compositions at the time the invention was made to modify the plastic composition of the connector and coupling members of Booty to comprise the plastic composition configuration as taught by Valente because Valente teaches that such a configuration are commonly used in manufacturing of electromagnetic shielding structures (i.e. cable covers), and since it is well known to one of ordinary skill in the art of cable enclosures to provide a means of absorbing electromagnetic radiation from internal conductors with the enclosures and to also prevent exterior electromagnetic radiation produced by external electrical devices from interfering with the electrical properties of the internal conductors and also since it has been held to be within general skill of a worker in the art to select a known material

on the basis of its suitability for the intended use as a matter of obvious design choice.
In re Leshin, 125 USPQ 416.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They are Komiya et al (Pat Num 6,573,451), Jung (Pat Num 3,957,084), Dwyer (Pat Num 3,562,402), King et al (Pat Num 6,448,498), all of which discloses cable enclosures.

Communication

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (571)-272-1978. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WHM III

William H. Mayo III
Primary Examiner
Art Unit 2831